The

REPORTER

For Conscience' Sake

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Wurtz Dismissed After 2nd Refusal

For the second time since November 30, 1950, Hutterite Andrew Wurtz, member of the Miller Ranch Colony near Choteau, Montana, has refused induction into the Armed Forces and experienced second prosecution and trial. His case was dismissed by the U. S. District Court on October 14.

September 24, on which date Wurtz was last ordered to report for induction, he again refused, making the statement that "God forbids me to enter the Army."

At the time of registration and original clasification in the fall of 1950, Andrew was somewhat prodigal from his colony and received 1-A classification and orders to report for induction on November 30. Reporting at the induction station, Wurtz refused the step forward signifying entrance into the Armed Forces. He was immediately arrested, and, while feeling against the Hutterites in Montana was running high, he was held in jail for 19 days before release pending court action.

On February 16, 1951, Wurtz was indicted by the Grand Jury charging that he had knowingly and wilfully refused to perform a duty required of him under the Selective Service Act. Following indictment Andrew was again arrested, and this time remained imprisoned from February 19 to April 30, 1951. On the latter date, after heated and extended court proceedings, the court found Andrew "not guilty" on the basis that his local board acted illegally by classifying him in 1-A before receiving his Form 150 (the Special Form for COs), when he had clearly indicated his conscientious objection and requested such form. (It was during this period of Andrew's imprisonment that the Montana Legislature passed a bill making it a felony

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States Assign COs; Many Job Openings Available

Within the past few weeks, direct word from practically all state directors and from many institutions employing objectors yielded a wealth of details on job openings and plans for civilian service. This information serves as a very useful background in the Referral Service of NSBRO. Following is a general description of the situation from state to state. Unfortunately, space will not permit the printing here of all available details. Any registrant desiring further details as they may apply to his situation can secure this information by writing the Referral Service.

In the description below, *specific names and addresses of institutions and other employing agencies are not given, nor are names of superintendents or administrators. Men in I-O desiring to apply for positions described below can write to NSB Referral Service for this information.*

The Reporter

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Alabama

This state has arranged with Alabama State Hospitals to employ only objectors from within the state in its two hospitals for the mentally ill. Already some men are on the job. According to an agreement these men are paid 75 dollars per month, plus room and board. The institutions have their own housing and meal accommodations for the men, if they are single, but no accommodations for married men. There are three types of jobs available: ward attendant, male nurse, or farm and general laborer. A government employees' union has raised a protest against the employment of objectors.

Arizona

This state has job opportunities with one state mental hospital in the state capital. The hospital can "from time to time use most any number of psychiatric aids, commonly known as ward attendants." They will not employ anyone from without the state. The ward jobs start at 165 dollars per month plus one meal. There are also maintenance jobs paid on an hourly basis. Periodical increments and merit raises bring some wages up to 195 dollars or 205 dollars per month. It is estimated that the waiting period for applicants will not be long. One church group has work among Indians and can employ a few objectors.

Arkansas

As this goes to press, Arkansas has not worked out any employment arrangements, but there will be a report on work

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STATES ASSIGN COs

(Continued from page 1)

developments in a few weeks, according to recent word. One church agency operates a vocational training school and will employ objectors.

California

The mental hygiene department of the state will consider objector applicants for two state mental hospitals. To date there is little information on wages and living conditions in these state hospitals. The policy is not to employ objectors from without the state. One church agency operates a mental hospital which will employ objectors from other states, if such out-of-state employment is permitted by the state director. About one-third of the objectors in California are Jehovah's Witnesses and about one-tenth are Mennonites. It is not known if Jehovah's Witnesses will accept civilian work, but probably not. If any future job opportunities should develop with school districts, which is unlikely, applicants will be required to take an oath of allegiance, usually called a loyalty oath. Some objectors would be able to take this oath and others may not be able to do so.

Colorado

Colorado will employ objectors from within and without the state in four general and psychiatric hospitals, chiefly as hospital attendants. The wage scale "seems to be around 150 dollars per month," with the possibility of step increases after a period of employment. The employing agencies prefer to have personal interviews with all applicants for jobs. Men may be transferred to other jobs than hospital attendants if they "make good" on the attendant's job. One institution provides living quarters within its bounds while workers in other institutions find living quarters near the institutions. There may be opportunities for advancement. One church agency has a general hospital in the state which will employ objectors.

Connecticut

The state of Connecticut seems very anxious to employ I-Os in her mental hospitals. They will consider applicants from out of the state. There are two general types of employment available: (1) psychiatric aid, or attendant, beginning at 245 dollars per month with possibility of six step increases of 120 dollars per year each, and (2) institutional helper, beginning at 190 dollars a month with the possibility of six step increases at 120 dollars per year each. The institutional helper does cleaning, helps in food service, and the like. The work week is forty hours and 316 dollars per year is deducted for room, board and laundry. The worker accumulates one and a quarter days per month to a maximum of fifteen working days vacation each calendar year, to be taken after completion of calendar year in which time it is earned. Sick leave accumulates at one and one-fourth days per month to maximum of 90 days. Uniforms will be furnished. A four per cent retirement deduction is made, the amount being refundalbe if employee leaves state service. Other privileges include eleven holidays, group life insurance, Blue Cross membership. Special application blanks have been issued for I-O registrants, to accompany a special letter sent to each applicant. Before an applicant can be hired, he must pass a physical examination and have a satisfactory fingerprint report on file. An applicant is to send a fingerprint record, made by his local police department, to the state employment agency before he reports to the hospital for an interview and physical examination.

The State Park and Forestry Commission may begin a program for employment of objectors next year, but has no jobs at present. These openings would be for laborers to do forest survey, work during storms, forest fire suppression, general forest work. The work week is 45 hours, five days of nine hours each. The compensation is 97 cents an hour. The worker provides his own maintenance. Vacation and sick leave are on the same basis as hospital attendants.

Delaware

Delaware will employ objectors from other states. This state reports a very satisfactory experience with objectors in World War II and is willing to have their services now. Institutions and agencies which may employ objectors are a school for delinquent boys, a hospital for mentally ill, a hospital for psychotic and crippled children and adults, a home for disabled aged people, a state university agricultural station, a state college farm, and a state agency. Working in terms of their experience in World War II, this state began their planning by arranging a pay scale of 25 dollars per month plus maintenance. Interpretation of the current prevailing-wage plan has resulted in one institution now offering positions as ward attendants at 90 dollars per month plus room, board, and laundry of working clothes; kitchen attendants at 90 dollars per month, laundry helpers at 105 dollars per month, mechanical workers 100 dollars per month, all with room, meals, and laundry of work clothes. There would be merit raises. There are some stenographic positions at 135 dollars and 150 dollars per month, depending upon experience. Another institution is now offering 50 dollars per month plus maintenance (including room, board, medical and dental service, laundry service, work clothes) for objectors to begin as apprentice firmeen on oil burners for a few months, and after several months the prevailing wage would be paid to qualified men who might be offered other jobs in the institution. This institution has already been flooded with applications from objectors as far away as Nebraska. Another institution on the approved list may begin the employment of objectors in the future, but not at the present time. Still another usually needs social service workers, teachers, houseparents, and secretaries, but has no openings at present. Other institutions still hold to the plan of paying 25 dollars per month plus maintenance. The job list across the state includes attendants, orderlies, farm helpers, cooks, auto mechanics, carpenters, typists, drivers, plumbers, laundry workers, domestics, recreational workers, and others. A number of institutions can accommodate wives of objectors. The state has had many applications from objectors.

District of Columbia

A large mental hospital, a children's home, a home for aged and infirm, and a training school may employ qualified objectors, and are now on the approved list. The District will consider applicants from out of the state. No data is yet available, as this goes to press, on the wage scale but presumably prevailing rates will be paid.

Florida

The state of Florida has no approved state work program. One church agency has a migrant labor program which has been approved. It will be supplied with personnel through the voluntary service program of the denomination.

Georgia

The state of Georgia likewise has not made any agreements with employees for the employment of objectors. The state indicates it may be able to find a few openings for the small number of objectors in the state.

Idaho

This state has no approved projects for the employment of objectors.

Illinois

The state of Illinois has issued a memorandum to local boards describing the operation of the program within the state. According to this memorandum, the great majority of objectors in Illinois will perform their work in state mental hospitals. Such workers will be designated as "welfare trainees" and will be given a salary of 132 dollars per month, the minimum starting wage permitted by

the state public welfare and civil service officials. The registrants' maintenance, ranging from 10 dollars to 38 dollars per month, will be deducted from this figure. After six months the welfare trainees will be eligible for certain merit increases, up to 211 dollars per month. Vacations, sick leave, and accumulated time benefits will be the same as for other employees doing similar work. Types of work will be the usual attendant and maintenance jobs available at a mental hospital. These are listed as welfare trainee (nursing service), welfare trainee (institution work), welfare trainee (recreation or occupational therapies) and welfare trainee (laboratory service). Institution work includes serving of meals, farm work, grounds care, laundry work, etc. Living quarters are, for the most part, within the institution. Jobs for wives may be available. Six state mental hospitals have been approved, and also five homes for the aged, one hospital, one community center operated by denominational agencies.

Specific directions are given on filling in Form 152. Registrants are to indicate only general types of work, such as the four categories noted above, and not specific types or locations of work. The location of work will be determined by state headquarters. Directions are given on the holding of meetings between local boards, registrants and state director's representatives, and on other detailed procedures. State headquarters will authorize sending of Form 153, the work order. A pamphlet from the state welfare office describes the work in detail. The local boards have been submitting to registrants only jobs within the state. They will not, to date, employ registrants from outside the state.

Indiana

To date, seven state mental hospitals, one epileptic, two TB, and one children's hospital have been approved for employment of objectors, in addition to the following operated by church agencies: one service center, one welfare home, and one college. In mid October, twenty I-W men were working in hospitals as porters, orderlies, laundry workers, maintenance men. Generally, salaries range from 125 dollars to 170 dollars per month. A wide divergency of working conditions prevails, with living quarters and maintenance not usually provided. Indiana will not employ registrants from outside the state.

Some institutions report openings for attendants, farm and garden personnel at 125 dollars per month, for charge attendants, industrial workers, and switchboard operators at 150 dollars per month, for concrete workers, and maintenance electricians at 170 dollars per month, and one electroencephalograph operator at a higher figure. A 15-dollar per month living cost adjustment would be added in each case. There may be step raises in pay. Hours would vary with the job. There are thirteen holidays, two weeks vacation, and two weeks sick leave.

Some of the institutions report openings for physicians, psychiatric social workers, attendants, laundry workers, kitchen workers, typists, janitors, firemen and engineers. The starting wages for unskilled workers may be as low as 115 dollars per month with 25 dollars deducted for room, board and laundry if living arrangements are desired on the grounds. Dormitory rooms are available for single people and trailers for married couples.

The state personnel official hopes objectors will send their applications to him in groups, and in turn he would like to send their applications to institutions needing them. Ultimately there may be some forestry work in Indiana.

Iowa

Two mental health institutions, one county hospital, two reformatories, one each for boys and girls, and two training schools, one each for boys and girls, are on the approved list for this state. But information now is that one reformatory will not employ objectors, one training school has no current vacancies, and one training school has only an opening for an industrial arts teacher at 145 dollars starting pay per month, plus room, board and laundry. The mental health institutions have openings for attendants, dairy workers, cooks, kitchen helpers, and maintenance men at 75 dollars a month plus board, room and laundry at the hospital. The institutions have agreed on this figure, rather than 110 dollars per month, plus subsistence, usually paid attendants. One religious body will employ objectors at an old folks home in connection with their voluntary service plan. The state will not employ objectors outside the state of Iowa.

Kansas

Between fifty and a hundred men are already at work in the mental hospital in the capital city. They are paid 130 dollars per month, with maintenance arranged on their own. Vacation, sick and holiday leaves are on the same basis as for regular civil employees. The needs of this hospital are for hospital aids, dietary workers and dairy helpers. Kansas will not employ out-of-state workers. A boys industrial school in the state capital is also on the list.

There may be a thirty day limit in which objectors may find jobs after notice is given by state headquarters to secure a job. Two old folks homes, one childrens home, two general hospitals, and one mental hospital operated by church agencies in Kansas will employ objectors.

Kentucky

Kentucky will employ objectors in six state TB hospitals and four mental hospitals. No objectors from outside the state will be considered. About a dozen men are already on the job. Types of jobs and wages are as follows: farm workers, painter, plumber and general maintenance, 100 dollars per month plus maintenance; attendant I and food service worker, 115 dollars per month; attendant II, 140 dollars per month; medical laboratory technician, 201 dollars per month; typist-clerk I, 135 dollars per month; typist-clerk II, 164 dollars per month; custodial worker I, 110 dollars per month; sanitation I, 251 dollars per month. Many jobs are under local civil service systems and examinations must be passed by objectors who seek employment. Examinations for attendants are given Mondays and Wednesdays and for typists on Tuesdays and Thursdays. The following benefits are available in some hospitals: one working day of sick leave for each month and two calendar weeks of vacation.

Louisiana

Louisiana will not employ objectors from outside the state. A number of nonprofit agencies have been "persuaded" to employ objectors, including two sanitoria, one infirmary, four Protestant denominationally-operated hospitals, several Catholic hospitals, a "hotel," a home for incurables, and an eye, ear, nose, and throat hospital. One institution states it will deal with objectors the same as with other employees regarding salaries, conditions of employment and personnel policies. One hospital has a "long-standing need" for mechanics of all sorts such as electricians, carpenters, painters, maintenance men. One institution needs "white Americans" as two resident physicians, three male attendants, and one male physical therapist. One denominational institution needs porters (janitors), orderlies, lab technicians, operating room technicians, store-room workers, or clerk. No salaries have been indicated in these jobs.

We have material on each of the states similar to that given above. Unfortunately space does not permit including all of it in this issue. We hope to complete the job-opening discription by states in the next REPORTER. Meanwhile, anyone desiring information on a state not included can write to the National Service Board.

Change Makes HO Reports Unavailable

Department of Justice recommendations to State Appeal Boards, as required in CO cases, are currently being made in a somewhat modified and generally abbreviated form.

In an appeal from a draft board's ruling regarding CO status, the FBI makes an investigation and a Department of Justice Hearing Officer then interviews the conscientious objector. Formerly, the Hearing Officer made a written report to the State Appeal Board, which involved a summary of the investigative report, a report of the Hearing, and the actual recommendation. This was then accompanied by a recommendation from a Washington office of the Department of Justice, which might concur or disagree with the Hearing Officer's report.

Currently only a letter from the National Office of the Justice Department is sent to the Appeal Board. The Hearing Officer's report is no longer placed into the file and thus is not available to the registrant or the Appeal Board.

The current practice results from a change in policy reflected by a rewording of Selective Service regulation 1626.25, affected July 3, 1952.

(Editor's Note: NSBRO has just been informed that the Justice Department letter being used currently will not be less complete than the former Hearing Office Reports.)

WURTZ

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for anyone to claim exemption as a conscientious objector.)

By the action of the court Wurtz was again thrown into the hopper of the Selective Service mill, and again consistently denied I-O classification as a conscientious objector by the local board and the Montana Appeal Board, in spite of the fact that his earlier absence from the colony had been followed by repentance, forgiveness and baptism. Appeal to the Presidential Board was taken by General Hershey, but this, too, resulted in 1-A classification, with an Induction Order for September 24 closely on its heels.

Again came arrest, indictment and trial. On the second day of trial, October 14, 1952, motion for dismissal was made "on the ground that the indictment was insufficient in law in that facts were not shown which would constitute an offense." The motion was granted and Andrew was dismissed.

Although Andrew is now over 26 years of age, his case may presumably be resubmitted to the grand jury for reindictment and again brought before the court.

Judge Hincks Protests Use of FBI Reports and Acquits CO

In a Special Opinion supplementing a recent verdict acquitting Andrew Geyer of refusing induction, U. S. District Judge Carroll C. Hincks of New Haven, Connecticut, added his protest to the current use of FBI reports in CO appeal cases.

Judge Hincks acquitted the 21-year-old Jehovah's Witness September 30 on the ground that the appeal board's action placing Geyer in I-A was invalid because evidence which might have affected the board's decision was withheld from the board by the Department of Justice.

Upon receiving I-A classification from his local board, Geyer appealed for classification as a conscientious objector. As is customary during such appeal, his case was referred to the Department of Justice for investigation, personal hearing, and recommendation. The Hearing Officer who heard Geyer recommended that he should be given I-A-O classification for noncombatant service. The Washington office of the Department of Justice, however, recommended that Geyer be classified as I-A.

Thereupon the appeal board asked for the investigative report to help in its final decision, but the Justice Department refused on the ground that such reports are confidential.

In his written report Judge Hincks gave the opinion that although the law is not explicit in its reference to use of the investigative reports, there are provisions in the law which imply that the appeal board should have access to the investigative reports. He pointed out that the appeal board is compelled to "give consideration to" the recommendations of the Department of Justice, but "shall not be bound to follow" the recommendations. According to Judge Hincks, "This clearly imports that the appeal board shall evaluate the worth of the recommendation, which is a task impossible of fulfillment unless the board has access to the entire record on which the recommendation is based."

Follows Judge Smith's Opinion

Judge Hincks referred to an earlier decision by U. S. District Judge J. Joseph Smith, sitting at Hartford, in which two conscientious objectors were acquitted on a similar basis. Both judges held that the constitutional right of due process of law was violated, since both the registrant and the appeal board were denied full information on the Government's investigation.

In the earlier cases of Oller, Pekarski and Donovan, Judge J. Joseph Smith made the following statement: "It would appear that the Appeal Board has just cause for complaint and, in any case where prejudice has been caused to a registrant by classification which has resulted from consideration of advisory opinions based on facts concealed from him which he might have met and overcome, so also has the registrant just cause for complaint."

Oller and Donovan, for whom the Department of Justice recommended denial of I-O, were acquitted "since the use of the adverse opinion of the Department of Justice in determining the classification while concealing the basis of the opinion, denied the defendants due process of law and made the classification illegal."

Oddly enough, Pekarski, for whom the Department of Justice reported favorably, was convicted "for he was not prejudiced by the advisory opinion."

May Upset Appeal Procedure

The import of these cases could be far-reaching if followed by other District Courts or eventually the Supreme Court. Since these are currently only District Court and not Supreme Court rulings, they are not binding on other federal courts.

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Application for Second Class Matter
Pending, Washington, D. C.